



Attorney Docket No. 27593U  
IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor: OHYAMA

Serial No.: 10/589,622

Filed: August 16, 2006

Internatl. Appl. No.: PCT/JP2005/000914

Internatl. Filing Date: 25 January 2005 (25.01.2005)

Title: OPTICAL DEVICE AND OPTICAL PICKUP DEVICE

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Submission of the International Preliminary Report of Patentability;
- (3) Copy of Form/IB 338 (Notification of Transmittal of copies of Translation of the International Preliminary Report on Patentability).

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

By:

Gary M. Nath, Reg. No. 26,965  
Gregory B. Kang, Reg. No. 45,273  
Jerald L. Meyer, Reg. No. 41, 194  
Customer No. 20529

Date: December 27, 2006

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Attorney Docket No. 27593U

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In re Application of:

Inventor: OHYAMA

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**SUBMISSION OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

To supplement the documents filed with the National Phase Filing Under 35 USC 371 of the above captioned application commenced on 16 August 2006, applicant hereby submits the Notification of Transmittal of Copies of Translation of the International Preliminary Report on Patentability (PCT/IB/338).

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By:

Gary M. Nath, Reg. No. 26,965  
Gregory B. Kang, Reg. No. 45,273  
Jerald L. Meyer, Reg. No. 41, 194  
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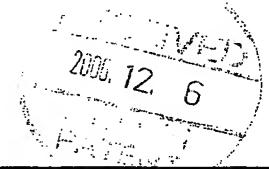
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From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY  
(CHAPTER I OR CHAPTER II)  
OF THE PATENT COOPERATION TREATY)  
(PCT Rules 44bis.3(c) and 72.2)



Date of mailing (day/month/year) 30 November 2006 (30.11.2006)	
Applicant's or agent's file reference JJVC-141-PCT	
International application No. PCT/JP2005/000914	International filing date (day/month/year) 25 January 2005 (25.01.2005)
Applicant VICTOR COMPANY OF JAPAN, LIMITED et al	

To:

MIYOSHI, Hidekazu  
Toranomon Kotohira Tower, 2-8, Toranomon 1-chome,  
Minato-ku, Tokyo  
1050001  
JAPON

**IMPORTANT NOTIFICATION****1. Transmittal of the translation to the applicant.**

- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

**2. Transmittal of the copy of the translation to the designated or elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

**It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.**

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
 (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>JJVC-141-PCT</b>	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/JP2005/000914</b>	International filing date (day/month/year) <b>25.01.2005</b>	Priority date (day/month/year) <b>20.02.2004</b>
International Patent Classification (IPC) or national classification and IPC <b>G11B7/135 (2006.01), G11B7/09 (2006.01), G11B7/13 (2006.01)</b>		
Applicant <b>VICTOR COMPANY OF JAPAN, LIMITED</b>		

<ol style="list-style-type: none"> <li>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> <li>2. This REPORT consists of a total of <b>3</b> sheets, including this cover sheet.</li> <li>3. This report is also accompanied by ANNEXES, comprising:                     <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <b>8</b> sheets, as follows:                             <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> </li> <li>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ol> </li> </ol>																									
<ol style="list-style-type: none"> <li>4. This report contains indications relating to the following items:                     <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;"><b>Box No. I</b></td> <td style="width: 70%;"><b>Basis of the report</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. II</b></td> <td><b>Priority</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. III</b></td> <td><b>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. IV</b></td> <td><b>Lack of unity of invention</b></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Box No. V</b></td> <td><b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VI</b></td> <td><b>Certain documents cited</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VII</b></td> <td><b>Certain defects in the international application</b></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Box No. VIII</b></td> <td><b>Certain observations on the international application</b></td> </tr> </table> </li> </ol>		<input checked="" type="checkbox"/>	<b>Box No. I</b>	<b>Basis of the report</b>	<input type="checkbox"/>	<b>Box No. II</b>	<b>Priority</b>	<input type="checkbox"/>	<b>Box No. III</b>	<b>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</b>	<input type="checkbox"/>	<b>Box No. IV</b>	<b>Lack of unity of invention</b>	<input checked="" type="checkbox"/>	<b>Box No. V</b>	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>	<input type="checkbox"/>	<b>Box No. VI</b>	<b>Certain documents cited</b>	<input type="checkbox"/>	<b>Box No. VII</b>	<b>Certain defects in the international application</b>	<input type="checkbox"/>	<b>Box No. VIII</b>	<b>Certain observations on the international application</b>
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Date of submission of the demand	Date of completion of this report ,
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/000914

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
  - publication of the international application (Rule 12.4)
  - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished
- the description:  
pages 1-7, 9-19, 21-24, 27, 29 as originally filed/furnished  
pages\* 8, 20, 25-26, 28 received by this Authority on 14.09.2005  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
nos. \_\_\_\_\_ as originally filed/furnished  
nos.\* 1-4, 6-13 as amended (together with any statement) under Article 19  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
sheets Fig. 1-14 as originally filed/furnished  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_
  - the claims, nos. 5 \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_
  - the claims, nos. \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/000914

**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-4, 6-13	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-4, 6-13	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-4, 6-13	YES
	Claims	_____	NO

**2. Citations and explanations (Rule 70.7)**

- Document 1: JP 2000-003523 A (Hitachi, Ltd.), 7 January 2000, paragraphs [0073] to [0112] and [0131]; fig. 1 to 4, 7 and 9 (Family: none)
- Document 2: JP 2002-092902 A (Ricoh Co., Ltd.), 29 March 2002, paragraphs [0027] to [0110]; fig. 4 to 10 (Family: none)
- Document 3: JP 2001-202647 A (Matsushita Electric Industrial Co., Ltd.), 27 July 2001, paragraphs [0033] to [0063]; fig. 3 to 8 & US 6597642 B1 & CN 1304133 A
- Document 4: JP 2003-151169 A (Sony Corporation), 23 May 2003, paragraphs [0017] to [0024] and [0079]; fig. 1 and 19 (Family: none)
- Document 5: JP 2002-109759 A (Matsushita Electric Industrial Co., Ltd.), 12 April 2002, paragraphs [0090] to [0117], fig. 7 to 10 & US 2003/0007436 A1 & US 2005/0002292 A & CN 1343976 A

The inventions set forth in claims 1 to 4 and 6 to 13 are not disclosed in any of the documents cited in the international search report, and would not be obvious to a person skilled in the art.